

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

WYVONNIA BROOKS,)
)
v.) 3:07-0497
)
MICHAEL ASTRUE, Commissioner of)
Social Security)

ORDER

Before the Court is the Report and Recommendation of Magistrate Judge Brown in which he adopts the Defendant's rationale and brief and recommends affirmance of the Administrative Law Judge's opinion, and denial of Plaintiff's Motion. The Plaintiff has responded with objections to the Report and Recommendation.

Plaintiff's primary objection is that the Administrative Law Judge gave little or no weight to the opinion of Dr. Roy, a treating physician, and failed to give good reasons for such weighting.

The Plaintiff is incorrect in this assessment. The Administrative Law Judge found the opinion of Dr. Roy to be unsupported by his own treatment record, inconsistent with Plaintiff's daily activities, and inconsistent with the record as a whole. Dr. Roy's treatment notes did not contain any radiological or diagnostic techniques such as observed swelling, withdrawal of synovial fluid. His treatment was conservative prescribing only Tylenol and ibuprofen. Failure to consider or use such techniques or steroidal injection or surgery suggests the shoulder injury was much milder than Dr. Roy opined.

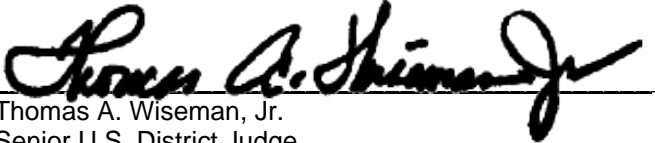
Plaintiff's hypertension was treated effectively reducing her blood pressure to 120/80.

In contradiction to Dr. Roy's opinion, the Administrative Law Judge considered the opinion and diagnoses of Drs. Weikert, Dulbenik, and Gulbenk. The Administrative Law Judge considered these and the whole record in giving greater weight to their opinions than to those of Dr. Roy.

The determination of the Administrative Law Judge is amply supported by the evidence. The

objections are overruled. The Motion for Judgment on the Record of Plaintiff, Document #20, is DENIED, and this case is **DISMISSED**.

It is so **ORDERED**.



Thomas A. Wiseman, Jr.
Senior U.S. District Judge